



RE: Opposition to the Roosevelt Irrigation District (RID)-Early Response Action

Dugdale, John to: Jerry D. Worsham II, Bethany Dreyfus

01/21/2010 11:52 AM

Cc: Janet Rosati

History:

This message has been forwarded.

Thanks a lot, Jerry.

Hi, Bethany:

I imagine it will take some time for the Region to consider our request for an audience so soon after the Region's meeting yesterday with the RID representatives, but once you get a general sense of when we might meet, assuming Mr. Takata agrees to do so, would you please let me know so I, my client, and others can block out times on our respective calendars?

Thanks very much.

John Dugdale

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From: Jerry D. Worsham II [mailto:jworsham@gblaw.com]

Sent: Thursday, January 21, 2010 1:10 PM

To: 'Dreyfus.Bethany@epamail.epa.gov'

Cc: 'Rosati.Janet@epamail.epa.gov'; Dugdale, John

Subject: Opposition to the Roosevelt Irrigation District (RID)-Early Response Action

Bethany:

You have received a letter from Air Liquide, via John Dugdale, Esq., which outlines many technical and legal problems with the Roosevelt Irrigation District's proposed Early Response Action (ERA). Simply stated, RID wants to circumvent scrutiny of their proposed action that is designed to change their historical and current water rights from irrigation/agricultural purposes to create a potable water supply for unknown or unidentified water users. RID's estimated Phase 1 costs between \$111 to \$130 million has shocked the environmental community. The proposal treats too much water from too many wells from too many zones. RID won't even complete their proposed design elements for ADEQ and the affected community so we can adequately evaluate the technical merits of their proposal. It will be the subject of intense litigation if ADEQ allows them to move forward.

RID plans to sue 104 defendants including everyone within the Motorola 52nd Street Superfund Site (OU 1,2 and 3). Many have existing Consent Orders with EPA or ADEQ. **My Clients**, including ArvinMeritor, Inc., Cooper Industries, Inc., Hill Brothers Chemical Co. and Head/Penn Racquet Sports, **support the comments supplied by Air Liquide**. They can sue if they want, but the ERA can't go forward without 1)

ADEQ's approval and 2) huge sums of cash from the litigation. No one has volunteered to join RID in their proposal.

We have expressed our concerns to the Arizona Department of Environmental Quality. We solicit EPA Region IX's and your support in stopping this ridiculous proposal. We know that they recently met with EPA Region IX.

Call me with any questions.

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